

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with:

Laura Ulatowski  
Patent Attorney  
Turocy & Watson, LLP

on April 6, 2010.

**Interview Summary**

2. During the Interview, Applicants' representative Laura Ulatowski agreed to amend independent claims 19-21, to specify that the activating if monitoring components of a network traffic analyzer and that claims 29-39 reflects the allowable steps of claim 19 including the request of resource utilization and , accepting and evaluating such resource utilization.

**EXAMINER'S PROPOSED AMENDMENTS TO THE CLAIMS**

3. This listing of claims will replace all prior versions of claims in the application:

**Listing of Claims:**

1-18. (Cancelled)

19. (Currently Amended) A method for allocating network traffic analysis tasks to networked devices comprising:

- activating respective monitoring components of a network traffic analyzer embedded into network interfaces of a plurality of devices of a network;
- requesting resource utilization data from a subset of the activated monitoring components;
- accepting resource utilization data from the subset of activated monitoring components;
- evaluating the resource utilization data;
- determining which devices have greatest available resources based at least in part on the resource utilization data; and
- allocating network traffic analysis tasks based at least in part on the available resources.

20. (Currently Amended) A method for allocating network traffic analysis tasks to networked devices comprising:

- activating a monitoring component of a network traffic analyzer embedded into network interfaces of more than one device on a network;
- requesting resource utilization data from each activated monitoring component;
- accepting resource utilization data from each activated monitoring component;
- evaluating the resource utilization data;
- determining which device has a greatest available resources based at least in part on the resource utilization data; and
- allocating the network traffic analysis tasks to the device with the greatest available resources.

21. (Currently Amended) A method for allocating network traffic analysis tasks to networked devices comprising:

- activating a monitoring component of a network traffic analyzer embedded into network interfaces of more than one device on a network;

requesting resource utilization data from each activated monitoring component;  
accepting resource utilization data from each activated monitoring component;  
evaluating the resource utilization data;  
determining available resources for each device based at least in part on the resource utilization data;  
allocating a network traffic analysis debug task to the device with the greatest available resources; and  
allocating a network traffic analysis control task to the device with second greatest available resources.

22-28. (Cancelled)

29. (Currently Amended) A ~~system network device~~, comprising:

a first network device, comprising:

a first processor;

a first memory; and

a first network interface embedded with a first network traffic analyzer, comprising: a first traffic analyzer filters component that captures a first data  
pertinent to diagnosing network problems;

a second network device, comprising:

a second processor;

a second memory; and

a second network interface embedded with a second network traffic analyzer, comprising: a second traffic analyzer filters component that captures a second data  
pertinent to diagnosing network problems; and

a third network device, comprising:

a third processor;

a third memory; and

a third network interface embedded with a third network traffic analyzer, comprising: a traffic analyzer control component that requests the first data and

the second data, evaluates the first data and the second data and determines which of the first network device or the second network devices has a greater available resources, and allocates network traffic analysis task to the first network device or the second network device with the greatest available resources sends the data to the memory and retrieves the data from the memory.

30. (Currently Amended) The network device of claim 29, wherein at least one of the first traffic analyzer filters component or the second traffic analyzer filters component comprises a source media access control (MAC) identifier (ID) filter component that identifies a source device for at least one of the first data or the second data and a destination MAC ID filter component that identifies a destination device for at least one of the first data or the second data.

31. (Currently Amended) The network device of claim 29, wherein at least one of the first traffic analyzer filters component or the second traffic analyzer filters component comprises a packet type filter component that determines a type of at least one of the first data or the second data.

32. (Currently Amended) The network device of claim 29, wherein at least one of the first traffic analyzer filters component or the second traffic analyzer filters component comprises at least one of a sequence number filter component, a packet length filter component, or a checksum data component.

33. (Previously Presented) The network device of claim 29, wherein the traffic analyzer control component comprises a monitoring component that monitors normal device operations that determines a bandwidth of the processor and the memory available for the network traffic analyzer.

34. (Currently Amended) The network device of claim 29, wherein the traffic analyzer control component comprises a collection start/stop component that determines at least

one start condition for which at least one of the first network traffic analyzer filters component or the second network traffic analyzer filters component starts collecting at least one of the first data or the second data and at least one stop condition for which at least one of the first network traffic analyzer filters component or the second network traffic analyzer filters component stops collecting at least one of the first data or the second data.

35. (Previously Presented) The network device of claim 34, wherein at least one of the start condition or the stop condition is triggered by at least one of a time, a presence of a packet type, or an absence of a packet type.

36. (Currently Amended) The network device of claim 29, wherein at least one of the first processor, the second processor or the third processor executes a normal function mode in which the device is dedicated to normal functions and a network traffic analyzer function mode in which the device is dedicated to network traffic analyzer functions.

37. (Currently Amended) The network device of claim 29, wherein at least one of the first processor, the second processor or the third processor executes normal functions and network traffic analyzer functions.

38. (Currently Amended) The network device of claim 37, wherein at least one of the first processor, the second processor or the third processor gives priority to the normal functions and the traffic analyzer functions utilize excess processor and memory bandwidth.

39. (Currently Amended) A system, comprising:  
a network bus;  
a first network device connected to the network bus at a first location, comprising:  
a first processor; and

a first network interface embedded with a network traffic analyzer data collection component that collects resource utilization data for at least two devices connected to the network bus; and

a second network device connected to the network bus at a second location, comprising:

a second processor; and

a second network interface embedded with a network traffic analyzer control component that controls the network traffic analyzer of the first network device from a remote location, wherein the network traffic analyzer control component requests the resource utilization data from the network traffic analyzer data collection component, accepts the resource utilization data, evaluates the resource utilization data, determines which of the at least two devices has a greatest available resources based at least in part on the resource utilization data and allocates network traffic analysis tasks to the device with the greatest available resources.

#### **Allowed Claims**

4. Claims 19-21, and 29-39 are allowed. Renumbered 1-14. Claims 1-18, and 22-28 are cancelled.

#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914.

The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger, can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jude J Jean-Gilles/

Primary Examiner, Art Unit 2443

April 09, 2010